

Remarks

Claims 1 – 4, 7, 9 – 15, 18, 20, and 21 are pending. Claims 1 – 4, 7, 9 – 15, 18, 20, and 21 presently stand rejected. Claims 1, 9, 11, 12, 20, and 21 have been amended. Examination and reconsideration of the claims in view of the following remarks are respectfully requested.

35 U.S.C. §102 Rejection

Claims 1 – 4, 7, 9, 10, 12 – 15, 18 and 20 presently stand rejected under 35 U.S.C. § 102(a) and 102(e) as anticipated by U.S. Patent Application No. 2007/0107066 (“Seelig”).

Independent claims 1 and 12 are directed to a gaming machine having a bonus feature wherein a first outcome is guaranteed to be a successful outcome. The successful outcome thus provides an award of a number of won credits. The gaming machine then offers a player a choice to select between (a) continuing with bonus feature where there is a risk of losing a portion of the won credits, or (b) ending the bonus feature which results in paying the won credits. If the player selects to continue the bonus feature, the gaming machine (1) determines a subsequent prize for a successful subsequent outcome, and (2) determines a probability of the successful subsequent outcome. This probability is variable and is based on two things: (1) the subsequent prize for the successful subsequent outcome and (2) the number of won credits. The subsequent outcome is then determined utilizing the variable probability. Thus, a probability based on (1) a subsequent prize that has not been won and (2) the won credits that have already been won, is utilized to determine a subsequent outcome.

Applicants respectfully submit that Seelig does not disclose a gaming machine that determines a probability of the successful subsequent outcome based on (1) the subsequent prize for the successful subsequent outcome and (2) the number of already won credits of the guaranteed first outcome.

Rather, Seelig’s subsequent binary outcome is merely randomly generated. See block 174 of Figure 9. Seelig’s step 174, “generates and displays the either/or binary heads or tails outcomes.” See paragraph [0050]. Thus, Seelig’s probability of a successful outcome (heads or tails) is not based on (1) the amount of subsequent prize and (2) the number of credits already won.

Therefore, claims 1 and 12 are not anticipated by Seelig, and are thus allowable.

Claims 2 – 4, 7, 9, 10, 11 and claims 13 – 15, 18, 20 and 21 are dependent from claims 1 and 12, respectively, and therefore are allowable for at least the same reasons set forth above with respect to claims 1 and 12.

Conclusion

Applicants respectfully submit that claims 1 – 4, 7, 9 – 15, 18, 20, and 21 are allowable. In the event that the Examiner believes a telephone interview with the undersigned Applicant's Representative would be helpful in advancing prosecution of this patent application, the undersigned is available for telephone consultation.

Respectfully submitted,

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